IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 794 of 1998

Between:

1 Popuri Krishna Murthy, S/o Rangaiah,
R/o Chilakaluripet.
2 Cherukuri Kanthaiah, S/o Ramaih,
R/o Chilakaluripet.
3 Ch.Ramakrishna Rao, S/o Hanumaiah,
R/o Vinjanam Padu, Prakasam Dist.
4 Y.Jaggaiah, S/o Venkateswarlu,
R/o Karamchedu, Prakasam Dist.
5 Ch.Narasimha Rao, S/o Satyanarayana,
R/o Kammavari Palem, Chilakaluripet Mandal,
6 Pamidi Srinivasa Babu, S/o Krishna Murthy,
R/o Chilakaluripet.
7 K.Narayana Rao, S/o Akanna,
R/o Chilakaluripet.
8 S.Venkat Subbaiah, S/o Sambaiah,
R/o Chilakaluripet.
9 K.Krishna Rao, S/o Sundara Ramaiah,
R/o Chilakaluripet.
10 Govind Shankar Srinivas, S/o Dasaiah,
R/o Chilakaluripet.
11 Sanivarapu Sambasiva Rao, S/o Subbarao,
R/o Chilakaluripet.
12 Ravi Srinivasa Rao, S/o Dasaratha Ramaiah,
R/o Peddivaripalem, Paruchuru Mandal,
Prakasam Dist.
13 Raghavendra Constructions, Rep by its Managing Partner T.Veeraiah,
S/o lakshmaiah, Vishakapatnam.
14 Shaik Karimulla, S/o Ismail
R/o Chilakaluripet.
15 J.B.S.Constructions, Rep by its Managing Partner J.Bhagat Singh,
R/o Vishakapatnam.
16 Shaik Galib Saheb, S/o Baeha Saheb,
R/o Chilakaluripet.

17 N.Gurava Reddy, S/o Gurava Reddy,
R/o Chilakaluripet.
18 B.Ramakoteswara Rao, S/o Nagaiah,
R/o Chilakaluripet, Guntur Dist.

..... PETITIONERS

AND

1 The Superintending Engineer,
Roads & Buildings, Guntur.
2 The Superintending Engineer,
Roads & Buildings, Nellore.
3 The Superintending Engineer, R & B,
Vishakapatnam.
4 The Executive Engineer, R & B,
Guntur.
5 The Executive Engineer, R & B,
Narsaraopet, Guntur Dist.
6 The Executive Engineer, R & B,
Tenali, Guntur Dist.
7 The Executive Engineer, R & B,
Markapur, Prakasam Dist.
8 The Executive Engineer, R & B,
Ongole, Prakasam Dist.
9 The Superintending Engineer,
Irrigation Circle, Guntur.
10 The Superintending Engineer,
Irrigation Circle, Nellore.
11 The Superintending Engineer,
Irrigation, Srisialam Left Bank Canals,
N Circle No.1, Gandhamavarigudem, Nalgonda.
12 The Superintending Engineer,
Irrigation, Bobbili Circle,
Vizianagaram Dist.
13 The Superintending Engineer,
Irrigation, Nirmal,
Adilabad Dist.
14 The Superintending Engineer,
Irrigation NSP Canals, Lingamguntla,
Narsaraopet, Guntur Dist.
15 The Superintending Engineer,
Panchayat Raj (RWS), Guntur.
16 The Superintending Engineer,
Panchayat Raj (RWS), Ongole.
17 The Superintending Engineer,
Panchayat Raj (Regular), Guntur.
18 The Superintending Engineer,
Panchayat Raj, Vishakapatnam.
19 The Executive Engineer,
Panchayat Raj, Narsaraopet,
Guntur Dist.

20 The Executive Engineer,
Panchayat Raj, Tenali,
Guntur Dist.
21 The Executive Engineer,
Panchayat Raj, Guntur Dist.
22 The Executive Engineer,
Panchayat Raj, Parchuru,
Prakasam Dist.
23 The Executive Engineer,
Panchayat Raj, Ongole,
Prakasam Dist.
24 The Superintending Engineer,
Public Health, Guntur.
25 The Executive Engineer,
Public Health, Narsaraopet,
Guntur Dist.
26 The Executive Engineer,
Public Health, Guntur Dist.
27 The Executive Engineer,
Irrigation, Chirala,
Prakasam Dist.
28 The Executive Engineer,
Irrigation, Repalle,
Guntur Dist.
29 The Executive Engineer,
Irrigation, Guntur Dist.
30 The Executive Engineer,
Irrigation, Ongole,
Prakasam Dist.
31 The Executive Engineer,
Irrigation, Markapur,
Prakasam Dist.
32 The Municipal Commissioner,
Chilakaluripet Municipality, Guntur Dist.
33 The Executive Engineer,
Marketing, Guntur.
34 The Superintending Engineer,
Public Health, Vishakapatnam.
35 The Superintending Engineer,
R & B, Rural,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly in the nature of a Writ of Mandamus, declaring the action of the respondents in insisting the petitioners to pay the Earnest Money Deposit at the time of issuing the tender schedules and further insisting to give Earnest Money deposit by way of National Savings Certificates and Term Deposit schemes as arbitrary, illegal, in violation of Art.14 and 19(1) (g) of the constitution of India and to issue a consequential direction to the respondents not to insist for the deposit of EMD at the time of the sale of tender schedules to the petitioners and accept the Tender schedules by taking the EMD by way of FDR or

Bank guarantee.

Counsel for the Petitioners: MR.SUBBA RAO KORRAPATI

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following :

ORDER:

This writ petition is filed questioning the action of the respondents in insisting upon the petitioners for the payment of Earnest Money Deposit at the time of issuing tender schedules and further insisting to give Earnest Money Deposit by way of National Savings Certificates and Postal Term Deposit Schemes.

While issuing rule nisi, this Court by its order dated 12-01-1998, directed the respondents to issue tender schedules to the petitioners and consider the same without insisting upon Earnest Money Deposit.

In the light of the said interim orders, in my considered view, no further orders need be passed at this length of time.

Accordingly, the writ petition is closed.

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07-12-2004

vs

To

1 The Superintending Engineer,
Roads & Buildings, Guntur.
2 The Superintending Engineer,
Roads & Buildings, Nellore.
3 The Superintending Engineer, R & B,
Vishakapatnam.
4 The Executive Engineer, R & B,
Guntur.
5 The Executive Engineer, R & B,
Narsaraopet, Guntur Dist.
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Tenali, Guntur Dist.
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Panchayat Raj, Parchuru,
Prakasam Dist.
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33 The Executive Engineer,
Marketing, Guntur.
34 The Superintending Engineer,
Public Health, Vishakapatnam.
35 The Superintending Engineer,
R & B, Rural,
Hyderabad.

36 2CCs to the G.P for Transport, High Court Buildings, Hyderabad(O.U.T).

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